

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 08-00889 WHA

Plaintiff,

v.

OWEN DUNN,

Defendant.

**ORDER DENYING
PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL
AND CLARIFYING IN FORMA
PAUPERIS PROCEDURE**

Petitioner Owen Dunn pled guilty to one count of selling crack-cocaine in violation of 18 U.S.C. 841(a)(1) and (b)(1)(B)(iii) and 860(a), and judgment was entered on December 22, 2009 (Dkt. No. 53). Petitioner now moves for appointment of counsel to help him file a petition for a writ of habeas corpus.

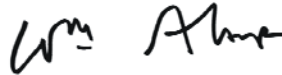
The Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). Nevertheless, 18 U.S.C. 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner when “the court determines that the interests of justice so require . . .” Petitioner has presented his claims, and they are not particularly complex. The Court determines that the interests of justice do not require appointment of counsel at this time. The petitioner’s motion is **DENIED**.

Petitioner attached to his motion a form styled “declaration in support of request to proceed in forma pauperis.” Petitioner has not filed an application to proceed in forma pauperis or an accompanying complaint or petition. He is advised to consult Civil Local Rule 3-10 if he

would like to file a motion to proceed in forma pauperis when filing any complaint or petition in the future.

IT IS SO ORDERED.

Dated: August 30, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE